

DRAFT

**Minutes
Windsor Town Council Meeting
Town Hall
November 10, 2009**

The Windsor Town Council met in regular session on November 10, 2009 at 7:00 p.m. in the Council Chamber of the Windsor Town Hall, Windsor, Virginia. Mayor Marvin A. Crocker, Jr. was present, and he called the meeting to order. He welcomed those who were present. He asked for anyone with cell phones to please turn them off. He asked the Clerk to call the roll. Robin Hewett, Town Clerk, recorded the minutes. John L. Rowe, Jr., Interim Town Manager, Police Chief Porti, Michael Stallings, Assistant Town Manager/Planning and Zoning Administrator, and Joshua Pretlow, Jr., Town Attorney were present.

Council members present:	J. Clinton Bryant Wesley F. Garriss William L. Jones Carita J. Richardson Durwood V. Scott Greg Willis
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Mayor Crocker asked for the consensus of Council to modify the agenda at will and Council agreed to his request. He asked Councilman Scott to give the invocation and Councilman Scott did. He said there are two late items that were added to the agenda, which are two resolutions. He asked the Clerk to read the title of each resolution and then Council would act on them.

The Clerk read the first resolution entirely, which was a resolution commending Chief Porti. She read the title of the resolution as follows: "A resolution commending Windsor Police Chief Robert E. Porti on his graduation from the FBI National Academy." Councilman Willis made a motion to adopt the resolution entitled "*A Resolution Commending Windsor Police Chief Robert E. Porti On His Graduation From The FBI National Academy.*" Councilman Garriss seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #1. Each Council member congratulated and praised Chief Porti for the great job he is doing for the Town of Windsor.

Mayor Crocker asked the Clerk to read the title of the next resolution. She read the title as follows: "A Resolution recognizing and congratulating Farmers Bank on its 90th anniversary and on providing quality banking to the citizens of the Town of Windsor since 1919." Councilman Scott made a motion to adopt the resolution entitled "*A Resolution Recognizing And Congratulating Farmers Bank On Its 90th Anniversary And On Providing Quality Banking To The Citizens Of The Town Of Windsor Since 1919.*" Councilwoman Richardson seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #2.

Public Hearing

None

Delegations, Public Comments, and Citizens Concerns

Ken Johnson, 24206 Twin Circle said he believes this is only the second time he has appeared before Council since he had the privilege of serving on Council. He said he would like Council to know how much he appreciates the service it gives. He said he has a concern that he read about in the Smithfield Times newspaper a few weeks ago. He said it is concerning the Town Charter revisions. He said what concerns him the most is that the Council has tabled the issue until the new Council is seated next year. He said in looking around this room, the Council Chamber, there is a great deal of experience. He said in working on the Charter, Council should want to draw from the experience within this room instead of what may or may not be here in July. Mr. Johnson said tabling the Charter until new Council is seated is not what the issue deserves. He said he would respectfully recommend to Council to revisit the decision of tabling the issue. He said this issue deserves an up or down vote. He congratulated Chief Porti on his accomplishments and he also asked Council to move forward on getting a facility for the operation of the police department. He said using the same facility as Town Hall is not safe for staff and citizens. Mr. Johnson again thanked Council for its services.

Consent Agenda

Mayor Crocker asked for approval of the consent agenda, which included the minutes of the September 15, 2009 Council Work Session, minutes of the September 23, 2009 Council Work Session, minutes of the October 13, 2009 Council meeting, minutes of the October 16, 2009 Council meeting, minutes of the October 27, 2009 Council Work Session, and the Treasurer's reports. Councilman Garriss made a motion to approve the consent agenda as received. Vice Mayor Jones seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #3.

Vice Mayor Jones said there is a lot of time spent on preparing the minutes and he would like for Council at its next work session to look at a way to condense the minutes and reduce the time the clerks spend on preparing the minutes.

Town Manager's Report (Given by the Assistant Town Manager)

Briefing by Mark Szalwinski – Vice President Sentara Healthcare

Mr. Stallings said the first item is a presentation from Mr. Mark Szalwinski, Vice President of Sentara Healthcare for the Peninsula and Western Tidewater regions. He said Mr. Szalwinski recently briefed the Board of Directors of the Isle

of Wight, Smithfield, Windsor Chamber of Commerce on the current status and the future plans of Sentara's delivery of healthcare services in Western Tidewater. He said the Town Manager feels that this is such an important topic and one that Council should have the most current information, so he invited Mr. Szalwinski to provide Council with this briefing.

Mr. Szalwinski briefed Council on the various facilities and healthcare opportunities in the surrounding area. He said they offer the following healthcare opportunities in the Western Tidewater Region: hospitals, outpatient care, new physician specialists, home care services, and Sentara Medical Group Physicians. He said the following facilities are available in the Western Tidewater Region: Sentara Obici Hospital, Sentara BelleHarbour, Sentara St. Luke's (which will have a grand opening event January 30, 2010), Sentara Norfolk General Hospital and Sentara CarePlex Hospital. Mayor Crocker and Council thanked Mr. Szalwinski for coming to the meeting.

Continuation of DMV Grant Award

Mr. Stallings said the next item is a resolution to accept and appropriate grant funds the Town has received from the Virginia Department of Motor Vehicles (DMV) in the amount of \$7,080. He said this grant along with a local match of \$1,416, provided through "in kind" services totals \$8,496. He said as Council can see from Chief Porti's memo, the grant will assist the Police Department in the purchase of a Portable Breath Test instrument, checkpoint safety signs, and 150 hours of overtime for traffic enforcement projects, as well as being able to attend the Mid-Atlantic DUI and DMV ACTS conferences. He said the resolution is for Council's consideration that accepts the grant and appropriates the funds to our operating budget for the current fiscal year, and he recommends that Council adopt the resolution. Mayor Crocker asked the Clerk to read the title of the resolution and she did.

Vice Mayor Jones made a motion to adopt the resolution entitled: *A Resolution Accepting A Grant Award From The Department Of Motor Vehicles Of The Commonwealth Of Virginia For Traffic Safety Initiatives For The Windsor Police Department And Appropriating Said Grant Funds*. Councilman Bryant seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #4.

Rural Development Water System Improvements Project - Resolution

Mr. Stallings said the enclosed resolution is for Council's consideration, and it appropriates the balance of the funds for the water system improvements project that the Town is financing with the proceeds of a loan from Rural Development. Mr. Stallings stated that the balance is \$49,699, and this resolution will complete Council's appropriations for the Rural Development water system improvements project. He said the project budget is not officially final until Rural Development

signs off on the final budget. Mr. Stallings said the budget now totals approximately \$914,024, which is significantly lower than the original \$1,300,000. He said he recommends that Council adopt this resolution. Mayor Crocker asked the Clerk to read the title of the resolution, and she did.

Vice Mayor Jones made a motion to adopt the resolution entitled: *A Resolution Appropriating The Sum Of \$49,699 From The Proceeds Of A Loan From the Rural Development Agency Of The United States Department Of Agriculture For The Project Budget For Certain Improvements To The Windsor Water System.* Councilwoman Richardson seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #5.

Gazebo Policy

Mr. Stallings said the next two items are related. He said before Council is a new "Policy Notebook" which contains all town policies that are not codified in the Town Code. He said the news policy notebook is current as of today. He said the two policies that are on the agenda for this Council meeting are also included in the notebook. He said this is the gazebo policy. Mr. Stallings said the policy pertaining to the use of the Town Gazebo dates back to September 8, 1998. He said in reviewing this policy, staff found that it is neither very clear nor succinct. He said the revised policy before Council reads clearer, and there are no substantial changes from one document to the other. Mr. Stallings said he recommends that Council revise this policy by adopting the new version dated November 10, 2009.

Councilman Scott made a motion to adopt the Town Gazebo use policy dated November 10, 2009. Councilwoman Richardson seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #6.

Schedule of Fees for Copies

Mr. Stallings said the schedule of fees for copies is also in reference to the policy notebook. He said the Virginia Freedom of Information Act (FOIA) regulates how much a locality can charge for items that are requested by the public. He said the proposed new fees are in compliance with the provisions of the FOIA. He said he recommends that Council revise this policy by adopting the new version dated November 10, 2009.

Mayor Crocker made a motion to adopt the "Schedule of Fees for Copies" policy dated November 10, 2009. Councilman Scott seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #7.

Report on Police Overtime

Mr. Stallings said Chief Porti is present to report on police overtime. He said periodically a member of Council will tell the Town Manager that a citizen has asked a Council member to explain overtime expenditures in the Police Department. The Town Manager asked Chief Porti to prepare a report on police overtime, and this report is part of the agenda package. It is for Council's review. Mr. Stallings said the Town management manages and controls police overtime within the federal rules and regulations set forth in the Federal Fair Labor Standards Act. He asked Chief Porti to come forward and brief Council further on the police overtime.

Chief Porti explained to Council how law enforcement overtime is calculated differently than standard overtime for any other employees. He said that thus far this fiscal year, the Police Department has incurred 152 hours of overtime for court. He said court testimony is an integral and mandatory function of law enforcement and does not follow a prescribed time-frame. Chief Porti said the Department has incurred 24.5 hours of overtime for special events, such as homecoming parade, July 4th celebration, and "trick-or-treat" safety patrols. He said the Department has incurred 57.5 hours of overtime for hold-over incidents. He said a hold-over incident is for situations where the officer on duty stays after his scheduled time to complete an incident that began during his shift. He said the Department has had 227 hours of overtime for shift coverage for situations where there is a "hole" in the schedule that must be filled to maintain the around the clock law enforcement coverage of the Town. Chief Porti said the Department has had 70 hours overtime for training when an officer attends training on what normally would be time off. He said there is 156.5 hours of overtime for investigations. He said this category fluctuates depending on the crimes being investigated.

Chief Porti said at this point in the fiscal year, the Department is above where he would like to be in overtime spending. He said a large factor in this is the three weeks of shift coverage that was necessary when Officer Todd resigned his position. He said although they have to make transfers among the various line items within the department's budget, he is confident that they will finish the fiscal year well within the overall departmental budget. Chief Porti said in response to the citizens who are asking questions, Council can take a copy of the prepared report to the citizen, and if anyone has any questions to contact him and he will be glad to review the report with the citizen. Mayor and Council thanked Chief Porti for his time he put into this very detailed report. Mayor Crocker said they need to be the "cheerleaders" for the police department, because they have limited funds and just enough officers to receive 599 funding from the State, and their space needs is a serious problem.

Calendar of Events

Mr. Stallings said the calendar of events is in Council's agenda packet for Council's information. He said he would like to mention two upcoming events. He said the Chamber's local business showcase "A Window Into Windsor" is scheduled for November 12, 2009 at the Windsor Ruritan building from 5:00 p.m. to 7:00 p.m. He said the "State of the County Breakfast" is scheduled for November 19, 2009 at 8:00 a.m. at Trinity United Methodist Church in Smithfield. He asked for a show of hands from Council of who would like to attend so reservations can be made. Mayor Crocker, Vice Mayor Jones, Councilman Garriss, Councilman Scott and Councilwoman Richardson all said they would like to attend the event.

Police Chief's Report

Chief Porti said for the month of October there were a total of 198 calls of which Windsor Police Department answered 190 calls. He said there were a total of 176 traffic stops which resulted in 197 traffic summons and 19 warnings. He said there were two wanted persons arrested through traffic enforcement and one DUI arrest. Chief Porti said there were six felony arrests which resulted in 21 charges and two misdemeanor arrests which resulted in nine charges. He briefed Council on the training and community activities the department had been involved with during the month of October.

Town Attorney's Report

No report.

Mayor's Report

Mayor Crocker said he attended the VML conference and sat in on the business meeting of the conference. He said there was one item that came up that was discussed thoroughly, which was a proposed transportation policy. He said Council will be getting further information regarding this policy when it is adopted. He said he along with the Town Manager and Councilman Scott, attended the International Paper (IP) meeting in Franklin at the Workforce Development Center. He said there was a lot of information shared as to what is taking place at IP. Mayor Crocker said the Isle of Wight County Board's Action List dated October 15, 2009 is in Town Hall for Council's review.

Other Reports

Councilwoman Richardson said the Town's Tree Lighting event is scheduled for December 6, 2009 at 7:00 p.m. She said she has been coordinating this event with town staff. She said Santa is taken care of as well as the Fire Department.

She said she would like to ask each Council member to contribute some cookies or refreshment item for the event.

Councilwoman Richardson said the Friends of the Library have a "Breakfast with Santa" on December 5, 2009 from 8:00 a.m. to 10:00 a.m. She said the cost for this event is \$3.00 per person, which includes a picture with Santa and a book. She asked Mr. Stallings to advertise both of the events on the town information sign.

Councilman Scott said the Economic Development Committee met November 9, 2009. He said there was a briefing on new businesses that have located in Windsor. He said next month someone is coming to the meeting to discuss Industrial Development Authorities (IDA).

Planning Commission

Mr. Stallings said the Planning and Zoning report for the month of October is before Council. He said the Town issued six zoning permits and zero notices of violation. He said the staff member of the Hampton Roads Planning District Commission (HRPDC) presented a Storm Water Plan to Planning Commission at its October 28, 2009 meeting. He said that the Planning Commission will conduct a public hearing is scheduled on this document at its next meeting on November 18, 2009. He said staff from HRPDC will be present at Council's December 8, 2009 meeting to brief Council on the Storm Water Plan. He said there will also be a public hearing at Council's December meeting on Holland Meadow's subdivision final plat.

Mr. Stallings said the next Planning Commission meeting is 7:00 p.m. on November 18, 2009, which is the third Wednesday of the month due to Thanksgiving.

Old or Unfinished Business

Vice Mayor Jones made a motion to take from the table the draft Charter bill as presented to Council on October 13, 2009. Mayor Crocker asked the Town Attorney if the motion was in order, and Mr. Pretlow said "yes" the motion was in order. Councilman Willis seconded, and Council passed the motion four to three as recorded on the attached chart as motion #8. The Town Attorney said this was a non-debatable motion, so there was no discussion.

Vice Mayor Jones made a motion to adopt the draft Charter bill that was presented at Council's October 13, 2009 meeting, and direct the Town Manager to have the document presented to General Assembly for approval. Councilman Garris seconded the motion. Mayor Crocker asked the Town Attorney if the motion was in order. The Town Attorney said the motion was in order and that this motion was a debatable motion and open for Council's discussion.

Councilwoman Richardson said she does not understand how a motion to table an item for a certain time period can be brought back on the table now. She voiced her concerns with the proposed new Town Charter. She said the major concern for the citizens that have previously spoken is Council giving up their powers. She stated her concerns regarding the change in the form of government.

Councilman Scott said he is in support of making updates to the Charter, but he said he is not in favor of changing the form of government. He said he would agree to working on these changes further in a work session.

Councilman Garris said he agrees with some of the comments made, but some of them he does not. He said the Town is not operating as a Mayor/Council form of government and has not been for over 10 years. He said he does not see where Council is changing anything, nor giving up any powers. He said he feels it is time to vote on this item "yes" or "no".

After Council discussion, Mayor Crocker called for the question on the motion Vice Mayor Jones made, which was to adopt the draft Charter bill that was presented at Council's October 13, 2009 meeting, and direct the Town Manager to have the document presented to General Assembly for approval. Council passed the motion four to three as recorded on the attached chart as motion #9. Mayor Crocker asked the Town Manager to take care of getting the Charter to its proper destination.

Vice Mayor Jones asked the Town Manager how it was going with Mr. Stallings employment contract for the town manager position. Mr. Rowe said they are working on a draft to give to Council. Councilman Bryant asked the approximate time as to when Council will have the contract for review. Mr. Rowe said Council wanted Mr. Stallings to do everything one time while in training with him and the only item left to do is the audit. He said he is looking to Council to make the transition with Mr. Stallings as town manager in January.

New Business

Councilman Willis asked the Town Manager to brief Council further on the letter and email they received earlier today. Mr. Rowe said they received an email from Douglas Caskey, Isle of Wight County Administrator, regarding their request from the Hampton Roads Transportation Planning Organization (HRTPO) for the development of an Access Management Plan for the Route 460 corridor. He said he sent a letter to Doug Caskey confirming that the Town is in support of the County's request of the HRTPO. He said this is a good step towards correcting the safety issues on Route 460.

Councilman Willis asked what the status of the sidewalk project is. Mr. Stallings said the new alternative locations agreed on by Council have been sent to the

engineer. He said the engineer is working on those locations. He said the engineer has come to the determination that Route 460 was not going to work in the time frame with the issues of obtaining right-of-ways for the sidewalks. He said the project is moving forwarding and going along well.

Councilman Scott said he would like to make a motion to set a date to have an intergovernmental meeting with the County. Mayor Crocker said he thinks the ball is in the County's court. Councilman Scott said he would like to set a time tonight in which to meet with the County. Mayor Crocker said Council has been trying to meet with the County since August. Mayor Crocker asked the Town Manager if he had been in contact with Mr. Caskey to reschedule the intergovernmental meeting. Mr. Rowe said he left it that the County would come back to Council with some dates in which they would be available to meet, but they have not responded back with any dates. He said he will call Mr. Caskey tomorrow to get some dates for the meeting. Mayor Crocker said he feels it is best if the County supplies the dates for Council to pick from. Mr. Rowe said he would be glad to call Mr. Caskey to get alternative dates to reschedule the intergovernmental meeting. Councilman Scott withdrew his motion, but he said it is very important that Council meet with them to get some issues moving forward.

Councilman Scott made a motion to go into closed session pursuant to Virginia Code Section 2.2-3711, A-3 for the purpose of discussing real estate matters regarding property within the Town of Windsor. Councilwoman Richardson seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #10.

Vice Mayor Jones made a motion to go back into regular session. Councilman Willis seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #11.

Councilman Scott made a motion pursuant to Virginia Code Section 2.2-3712, Subsection D that Council discussed only public business matters lawfully exempted from open meeting requirements, and that Council heard, discussed, or considered only such business matters as were identified in the motion that Council passed to go into closed session. Councilman Willis seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #12.

Vice Mayor Jones made a motion to adjourn. Councilman Garris seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #13. The meeting adjourned at 9:25 p.m.

Marvin A. Crocker, Jr., Mayor

Robin Hewett, Clerk

TOWN OF WINDSOR
RECORD OF
COUNCIL VOTES

Council Meeting Date November 10, 2009

Motion #	Scott	Willis	Richardson	Garris	Jones	Bryant	M. Crocker
1	Y	Y	Y	Y	Y	Y	
2	Y	Y	Y	Y	Y	Y	
3	Y	Y	Y	Y	Y	Y	
4	Y	Y	Y	Y	Y	Y	
5	Y	Y	Y	Y	Y	Y	
6	Y	Y	Y	Y	Y	Y	
7	Y	Y	Y	Y	Y	Y	
8	N	Y	N	Y	Y	N	Y
9	N	Y	N	Y	Y	N	Y
10	Y	Y	Y	Y	Y	Y	
11	Y	Y	Y	Y	Y	Y	
12	Y	Y	Y	Y	Y	Y	
13	Y	Y	Y	Y	Y	Y	
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Windsor Town Council
November 10, 2009
Robin Hewett, Clerk